

REMARKS

Initially, Applicant would like to thank the Examiner for indicating the allowability of each of claims 5-12. Applicant would further like to thank the Examiner for acknowledging receipt of Applicant's claim for foreign priority under 35 U.S.C. §119, as well as receipt of certified copies of all of the priority documents.

Applicant would also like to thank the Examiner for acknowledging receipt of the Information Disclosure Statement filed on February 19, 2002, as well as receipt and consideration of documents cited therein. However, Applicant notes that the Examiner incorrectly attributed the filing date of the Information Disclosure Statement as November 19, 2001 rather than the actual filing date of February 19, 2002. In this regard, Applicant notes that no Information Disclosure Statement was filed on November 19, 2001, and the only Information Disclosure Statement filed for the present application was filed on February 19, 2002. Applicant further notes that November 19, 2001 is the filing date of the present application.

Further, the Examiner indicated that several of the Japanese language documents cited in the Information Disclosure Statement were not considered "because no English language translation was provided of these documents". In this regard, Applicant notes that there is no requirement that an Applicant submit English language translations of Japanese language documents; rather, the Japanese language documents cited in the Information Disclosure Statement were submitted in full compliance with all statutory and regulatory requirements that apply to the citation to such documents in an Information Disclosure Statement, including 37 C.F.R. 1.98. Accordingly, the Examiner is respectfully requested to consider and cite each of the documents listed on the PTO-1449 Form which was attached to the Information Disclosure Statement. The Examiner is requested to initial the appropriate spaces on the above-noted PTO-1449 Form and to

return a copy of the Form to the Applicant with the next official communication in the present application to confirm consideration of these documents.

In the outstanding Official Action, claims 1, 3 and 4 were rejected under 35 U.S.C. §102(b) over WAUGH et al. (U.S. Patent No. 5,400,363). Claim 2 was rejected under 35 U.S.C. §103(a) over WAUGH in view of LINGUET (U.S. Patent No. 5,658,272). Claims 5-12 were indicated to be allowable.

Upon entry of the present amendment, Applicant will also have amended the claims (particularly claims 8 and 10) to eliminate “steps of” or “means plus function” language. Accordingly, Applicant respectfully submits that none of the present claims should be considered to include so-called “steps of” and/or “means plus function” recitations.

Applicant will also have amended claim 5 to eliminate an informality.

Additionally, upon entry of the present amendment, claims 1-4 will have been canceled without prejudice to or disclaimer of the subject matter recited therein. Applicant submits that cancellation of these claims should not be considered an indication of Applicant’s acquiescence with the propriety of the outstanding Official Action. Rather, Applicant has canceled claims 1-4 merely in order to expedite prosecution of the present application and to obtain early allowance of claims. Accordingly, Applicant respectfully submits that the rejection of each of claims 1-4 has been rendered moot.

Accordingly, Applicant respectfully requests an indication of the allowability of each of the claims now pending, at least because each of the claims now pending recites a combination of features previously indicated as allowable by the Examiner.

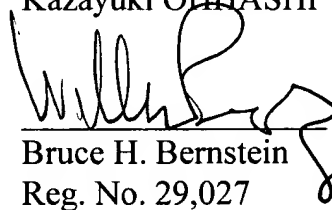
SUMMARY AND CONCLUSION

Applicant believes that the present application is in condition for allowance, and respectfully requests an indication to that effect. Applicant has canceled rejected claims without prejudice to or disclaimer of the subject matter recited therein. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection, as well as an indication of the allowability of each of the claims now pending in due course.

The amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, please contact the undersigned at the telephone number provided below.

Respectfully submitted,  
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